

# IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

MAY 2007



## Chief Justice Schroeder Reflections Upon Retirement, After 38 Years

After 38 years serving in the justice system, Chief Justice Gerald Schroeder will retire in August. The Chief Justice does not yet have specific plans for his retirement but looks forward to active involvement in the community.

Reflecting on his years of service as a judge, Chief Justice Schroeder remarked on the many significant changes he has seen in his career. "I remember when records were maintained in leather bound volumes that required hand-written entries. Technology, both in word processing ability and computer management of data, has drastically changed the efficiency of the courts." In his 38 years on the bench, Chief Justice Schroeder witnessed major legal advances such as the implementation of the Uniform Probate Code, the shift in sentencing provided by the Truth in Sentencing Act, and the 1971 Court Reform that consolidated courts into magistrate divisions.

Highlights of his career include 13 years as an Administrative District Judge, a collaborative effort with the former Dean of the University of Idaho Law School to authorize the first book on the Uniform Probate Code and time spent teaching the subject across the country. Chief Justice Schroeder has also been instrumental in the planning of a learning center in Boise that will allow scholars to come together for a greater range of opportunities in the study of law.

While he has seen many improvements to the courts, Chief Justice Schroeder is leaving at a time when many challenges remain. As the population of Idaho continues to grow, so does the challenge of providing adequate and timely access to the courts. Chief Justice Schroeder hopes that increased personnel training, continued emphasis on mediation and alternative dispute resolution techniques and a focus on new and innovative ways to use technology will help to alleviate this concern. In order to attract highly qualified applicants for judgeships and to better provide geographic diversity on the Supreme Court, Chief Justice Schroeder urges members of the judiciary to work with the Idaho State Legislature to increase the incentives and salaries for judges in the state.

"I leave grateful for the privilege having worked side by side with outstanding individuals and having experienced an open and collaborative relationship between the judiciary and the other branches of government, the likes of which reflects upon the unique character of this great state."



## Newly Revised Media Guide is Available Online

The Media/Courts Committee has released the newly revised [Media Guide](#), now online and available for use. The content has been updated and enhanced, with

a new format, making it easier to navigate. In the near future, a pdf version of the guide will be available for those wishing to print any or all of the contents, or for saving the document to a laptop for 'remote' use of the contents when Internet access is unavailable.

## Liberty Bell Award Info

This year's Liberty Bell Award was presented to the Honorable Charles L. Hay by the 4th District Bar Association Law Day Committee. Judge Hay received the award in recognition for starting the Youth Court of Idaho and his dedication to the program for the past 16 years.

Through the Youth Court of Idaho, Judge Hay encouraged the community to listen to young people and improve the way the law serves them. By encouraging youth to learn about and become active in the justice system, Judge Hay and the Youth Court work to reduce the numbers of teens at risk for finding themselves in the juvenile court system.

## Law Day Festivities

Law Day, sponsored by the American Bar Association, celebrates how law and the legal process contributes to the freedoms that all Americans share. The 4th District Bar Association's Law Day Committee organizes volunteer opportunities for local attorneys, educational programs for area students, encourages pro bono civic and legal service and honors the members of the community to embody the Law Day mission.

At this years Law Day festivities, the 6.1 Challenge Award was presented to attorney Robert L. Aldridge and to the Boise office of Perkins Cole. The award committee consisted of Mayor Dave Bieter, Chief US District Judge Lynn Winmill, Fourth District Judge Ronald Wilper, Idaho Supreme Court Justice Linda Copple Trout and Idaho Statesman Editor and VP Vicki Growler. Aldridge received the award for his work providing legal aid to churches and individuals on issues ranging from Medicaid to prenuptial agreements. Perkins Cole received the honor for their good works including providing free legal services to seniors and representing children in court.



### New Administrative District Judge in the 6th District

Judge Peter McDermott is now serving as the Administrative District Judge for the 6th District. Judge McDermott has previously served three terms as Administrative District Judge and looks forward to maintaining a strong working relationship with the County Commissioners, County Clerks and the administrative staff of the courts.

As Administrative District Judge, Judge McDermott faces the challenge of finding new and innovative solutions to jail crowding, expanding caseloads, and the need to ensure speedy resolutions in court cases. In order to improve recruitment and retention rates of judges in Idaho, Judge McDermott will also focus on encouraging the Idaho State Legislature to bring judge salaries in Idaho to a competitive rate with surrounding states.



### May Declared National Drug Court Month

The Idaho Supreme Court issued an order declaring May "National Drug Court Month." The action acknowledged the efforts and accomplishments of the nation's drug courts and celebrated the success of the drug courts in Idaho.

National Drug Court Month highlighted the combined efforts of the Executive, Legislative and Judicial branches in Idaho in pursuing a vision of reducing drug related crime. From the dedication and collaboration of every level of state government, there is plenty

to celebrate. Idaho has 46 drug courts and mental health courts providing a cost effective alternative to imprisonment and returning individuals to lives as productive citizens. Idaho drug courts graduated 387 drug-free participants in 2006 bringing the total to 1749 graduates since the program's inception. Due to the success of drug courts, the Idaho State Legislature recently approved expanding the drug court capacity for 275 adult offenders.

You can see the Supreme Court order at <http://www.isc.idaho.gov/dcmmonth07.htm>



as Idaho's own local experts provided a wealth of experience and knowledge in the areas of trauma, bonding and attachment, parenting coordination, family law, domestic violence and other areas of concern. Members of the Idaho Supreme Court's Child Protection Committee were honored and special recognition was given to Boise attorney, Michael Elia, who was presented with this year's CAP award. Next year's Institute will be held on May 19 – 20, 2008.

### **Children and Families Institute Held**

The Supreme Court sponsored a Children and Families multi-disciplinary Institute on May 7 & 8, 2007. With over 200 in attendance, including Magistrate Judges, Trial Court Administrators, Prosecutors, Public Defenders, Deputy Attorney Generals, CASA/GAL Executive Directors, Family Service Coordinators, Health and Welfare and Attorneys, the conference was well attended and very well received by all. Several nationally recognized speakers as well

### **Magistrate Judges Institute Held**

The Annual Magistrate Judge's Institute was held May 9 – 11, 2007. With close to 100% attendance the conference was well received with glowing evaluations. It was a wonderful opportunity for learning and socializing for our experienced judiciary as well as our newest members to the bench: Judge Jason Walker, Camas County; Judge John Hawley, Ada County and Judge Steven Thomsen, Bannock County.



### **Tribal Courts and State Courts Convene Forum**

In 1994, through the initiative of then Chief Justice McDevitt, representatives from tribal courts and state courts met to discuss common concerns. The meetings continued annually until 2001 and resumed in 2005. This year's forum, at the Fort Hall Indian Reservation in late April, covered a wide range of issues pertinent to both the tribal and state courts.

Of significant interest was the connection between the Tribal Healing to Wellness Courts and the state drug courts. While the drug courts are impressively successful statewide, Native American participants in healing to wellness courts have a much higher success rate than those Native Americans in the state run drug courts. This is in part due to the unique offerings of the tribal program, which incorporates Native customs and traditions such as crafts, respect for elders, language,

counseling and arts. However, the healing to wellness courts face a number of challenges including jurisdictional barriers, sentencing limitations and a lack of funding and resources for tribal justice systems. The tribal courts and state drug courts hope to learn from each other and address some of the challenges through working collaboratively together.

Other topics discussed were the implementation of the Adam Walsh Act, enforcement issues, and the need for better understanding of the necessary procedures for the state court to issue warrants, extraditions and arrests on reservations. Participants agreed to arrange another forum for later this year, update information on service of process requirements in reservations, share information regarding the Adam Walsh Act, and continue to discuss how to face jurisdictional and enforcement issues.



### **Retirement Roast and Celebration Banquet Held for Judge James Morfitt**

The Third District Bar Association held a "Retirement Roast and Celebration Banquet" for Judge James Morfitt at the Caldwell Elks Lodge. Dave Kerrick presided as the Master of Ceremonies, U.S. Magistrate Judge Mikel Williams gave the "Other Career Perspective"; Judge Juneal Kerrick gave the "Judicial Perspective"; and brother Michael Morfitt gave the "Family Perspective". The Bar also put together a video tribute to the judge.

### **5th District Judge Named for Hohnhorst's Position**

Governor Butch "C.L." Otter's first judicial appointment Randy J. Stoker, a Magistrate Judge from the Twin Falls area was appointed District Judge in the 5th Judicial District.

### **Applicants for Idaho County Magistrate Judge**

#### ***Judge Michael Griffin's Position***

**Fales, Darren W.**; Grangeville  
**Gilmore, Lori M.**; Orofino  
**Macgregor, Kirk A.**; Grangeville  
**Payne, Jeff P.**; Grangeville  
**Sturgell, Jay Q.**; Coeur d'Alene  
**Torgerson, Kimron R.**; Nezperce

### **Applicants for 4th District Judge**

#### ***New Position, Effective July 1, 2007***

Interviews will be conducted by the Idaho Judicial Council on June 27, 2007.

**Anderson, Lanny L.**, Is A Deputy Attorney General And Chief, Capital Litigation Unit, Boise, Idaho

**Borger, Kevin S.**, Is A Boise City Attorney, Boise, Idaho

**Chester, Robert S.**, Is A Colonel Senior Judge, Western Judicial Circuit, U.S. Marine Corps In Valley Center, Ca

**Cockerille, Roger, E.**, Is A Magistrate Judge Of The Fourth Judicial District, Idaho City, Idaho

**Ford, Bradley S.**, Is A Magistrate Judge Of The Third Judicial District, Caldwell, Idaho

**Hansen, Timothy L.**, Is A Magistrate Judge Of The Fourth Judicial District, Boise, Idaho

**Owen, Patrick H.**, Is A Deputy Ada County Prosecuting Attorney, Boise, Idaho

**Peterson, Jr., Charles F.**, Is A Lawyer In Private Practice In Boise, Idaho

**Reardon, Michael J.**, Is A Magistrate Judge Of The Fourth Judicial District, Boise, Idaho

**Rumel, John E.**, Is A Lawyer With The Idaho Education Association, Boise, Idaho

**Ryan, Thomas J.**, Is A Magistrate Judge Of The Third Judicial District, Murphy, Idaho

### **Judge John Hawley, Jr.**

Judge John Hawley, Jr. took the oath of office at a ceremony on Friday, April 20 at the Ada County Courthouse in Boise.

### **1st District Hires Family Court Services Coordinator**

The First Judicial District is pleased to announce they have hired Janet Meserve as a full-time Family Court Service Coordinator. Janet Meserve has been working as the Family Court Service Coordinator and Court Assistance Officer splitting her time between these two positions since 2002. Janet has a Bachelors degree in Business Administration and was a Probate Judge and CASA volunteer coordinator in New Mexico. Janet has completed Child Custody Mediation training, Paralegal training as well as numerous hours of victim advocacy training. Janet has years of experience working with court programs and is very excited about devoting her energy full-time to the Family Court Service Coordinator position in the First Judicial District. Welcome Janet Meserve!

### **New Bannock County Magistrate Judge Appointed**

On Friday, April 27, 2007, the Sixth Judicial Magistrate Commission appointed Steven Anthony Thomsen as the new Bannock County Magistrate Judge. Mr. Thomsen was appointed to replace Hon. Boyd B. White, III who is retiring on June 29, 2007 but will continue to serve our state as a Senior Judge.

Steve has been practicing law for 30 years and is experienced in all areas of the law. Early in his career, he served as the Chief-Deputy Prosecuting Attorney for Bannock County; served as a judge for the Shoshone-Bannock Tribal Court and as a legal counselor for Governor John Evans serving as a liaison with the Board of Examiners, Department of Law Enforcement, the Department of Insurance, the Department of Corrections, etc. Mr. Thomsen has been an attorney in private practice since 1982. In 1989, Steve and his partner, Jay Meyers became Meyers & Thomsen, PLLP.

Steve is an active part of the community. Along with his work assisting Idaho State University in the construction of the Centennial Cross Country Course, he is a CASA volunteer attorney and an approved child custody mediator serving on the Executive Committee of the Sixth District Bar Family Law Section. He's served as president for the Family Law Section and is currently the President of the Portneuf Inns of Court.

## Two Names Sent to the Governor for 3rd District Judge Position

### *Judge Morfitt's Position*

**FORD, BRADLY S.**, is a Magistrate Judge of the Third Judicial District, Nampa, Idaho

**RYAN, THOMAS J.**, is a Magistrate Judge of the Third Judicial District, Homedale, Idaho

## Three Names Forwarded to the Governor for 6th District Judge Position

### *Judge Smith's Position*

**INGELSTROM, JOHN B.**, is a Lawyer in private practice in Pocatello, Idaho

**NAFTZ, ROBERT C.**, is a Magistrate Judge of the Sixth Judicial District, Pocatello, Idaho

**NYE, DAVID C.**, is a Lawyer in private practice in Pocatello, Idaho



## Court Assistance Officer Hired in the 1st District Under new Pilot Project

At its March 9th meeting, the Access to the Courts Committee endorsed a statewide model for court assistance services which includes the appointment of a full time attorney in each district to serve as the lead court assistance officer for that District. In addition to providing court assistance services, the attorney also serves as a central resource to educate and assist other court assistance officers and deputy clerks throughout the district.

As the first step in implementing this model, a pilot project in the 1st Judicial District has been approved. This month, Alexandria Lewis, a graduate of the University of Idaho Law School, was hired to serve as the Court Assistance Officer for the 1st District on a full time basis. Ms. Lewis will have her primary office in Kootenai County, but will have regular office hours in Benewah, Bonner and Shoshone Counties with service to Boundary County as requested. A second pilot project for the 7th Judicial District using this same model is also under consideration.

## Interactive Court Forms Project Surveys Completed

Surveys of users, court assistance officers and judges on interactive court forms were recently completed as part of the evaluation of the Interactive Court Forms Project between the Idaho Courts and Idaho Legal Aid Services. Overall, the users found the interactive interviews helpful and easy to use. Contrary to common perception, most users with even limited knowledge of computers were able to successfully

access the forms over the Internet and navigate the website to complete the forms. Court assistance officers reported the numbers of people using the forms are increasing, and also report positive feedback on the project.



The results of the judges survey was somewhat mixed. Many judges were not familiar with the difference between the regular printed court assistance forms and their interactive counterparts which can be identified by a lowercase "i" enclosed in a circle watermark at the lower right of each page of the form. Those who were, had positive comments about the forms. However, the survey disclosed most judges still find dealing with self-represented litigants very challenging even with the improvements in forms and instructions. With the completion of these surveys, the Interactive Court Forms Project is entering its final phase which is the development of interviews for the forms used in divorce where custody and support of children are at issue. These are the most requested of all court assistance forms, but also the most complex and complicated to make interactive. The target date for completion of this last set of interactive forms is late 2007 to early 2008.

For more information about the Interactive Forms Project, contact Judge Michael Dennard at [mdennard@idcourts.net](mailto:mdennard@idcourts.net).





## Court Clerks and Drug Court Coordinators Creating A Partnership For More Complete Data Entry

Recently, Norma Jaeger sent out a memo to the Drug Court Coordinators and Trial Court Administrators (TCAs) proposing a plan for court clerks to "partner" with the drug court coordinators and their staff in the data entry into ISTARS for drug and mental health courts.

This project will be coordinated through the TCAs. The court clerks who are selected (by local protocol) to assist with this will need to be setup in the security table of ISTARS with update authority as seen below.

Additionally those clerks will need training on familiarity with the drug court module itself.

If you are a clerk in a county which has a problem-solving court functioning (drug court, mental health court, DUI court) the lead worker for those counties will want to begin, or participate in a dialogue on how the court clerk can assist in the data entry process.

The deputy clerk is in an ideal position to enter sanctions and rewards into the ISTARS system right in court... and are the 'experts' at data entry.

Once you have established who will be the clerk(s) who will assist with this, the next step will be to arrange for training. This training can be done via "live-meeting" where the clerk can sit at their computer and receive the training over the Internet.

Once the county has a plan in place, please contact Julie Cottrell or Scott Ronan to set up live meeting training. They will work with you to increase familiarity with the system.

If you are in the midst of setting up a "New" court, please contact Scott or Julie to assist you with setting up the various tables required, and explain the program to you a bit.

We are excited to create this partnership with the Drug Court Teams just as we have maintained with the Judges and other Court Professionals.

As clerks, our job will be to enter the data that the coordinators request, and to produce reports in a supportive role to the Drug Court Judge and team.

It appears that it will be practical to have the clerks included in staffing meetings so that notes may be made when appropriate and information can be transferred to ISTARS... or ideally, if the staffing is held at a location where there is an ISTARS connection the clerk can enter data for the clients during the staffing as directed by the Judge and the staffing team.

It is anticipated that each team will define which, if not all, of the data elements that need to be entered into ISTARS will be done by the court clerk. The court clerks will then take on those responsibilities as an active member of those teams.

The ISTARS drug court module will be undergoing some changes in the near future which will make for a better system (much like we have seen ISTARS evolve in the court world).

We look forward to helping you with these challenges!

## New Orders & Rule Changes

For Current New Orders or Rule Changes, go to <http://www.isc.idaho.gov/rulesamd.htm>

- In Re: Order Amending I.R.C.P. Rules - April 26, 2007, effective July 1, 2007*
- In Re: Amendment of Idaho Criminal Rule 46 - April 26, 2007, effective July 1, 2007*
- In Re: Amendment of Idaho Misdemeanor Criminal Rules 13 and 14 - April 26, 2007, effective July 1, 2007*
- In Re: Amendment of Idaho Juvenile Rules and Adoption of New Rules - April 26, 2007, effective July 1, 2007*
- In Re: Amendment of I.C.A.R. 47, April 26, 2007, effective July 1, 2007*
- In Re: Adoption of New I.C.A.R. 32, April 26, 2007, effective July 1, 2007*



**JUDICIAL/ADMINISTRATIVE NEWS**  
is published by the Idaho Supreme Court.

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Justice Roger S. Burdick

Justice Jim Jones

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



**Note:** For the most up-to-date Judicial Calendar, check the Judiciary's homepage at <http://www.isc.idaho.gov/calendar.htm>

